

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, ) CV. NO. 06-00580 JMS-KSC  
                              ) CR. NO. 04-00061-02 JMS  
Plaintiff,                )  
vs.                        ) PROPOSED ORDER FINDING WAIVER OF  
                              ) ATTORNEY-CLIENT PRIVILEGE  
                              ) WITH RESPECT TO DEFENDANT'S  
FELIPE RAGUINDEN DOMANGUERA, ) MOTION UNDER 28 U.S.C.  
                              ) § 2255 TO VACATE, SET ASIDE,  
Defendant.                ) OR CORRECT SENTENCE BY A  
                              ) PERSON IN FEDERAL CUSTODY

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PROPOSED ORDER FINDING WAIVER OF ATTORNEY-CLIENT  
PRIVILEGE WITH RESPECT TO DEFENDANT'S MOTION  
UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE,  
OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

Defendant Felipe Raguinden Domanguera filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody on October 30, 2006. Defendant was represented by Brandon Flores, in connection with his guilty plea and sentencing. Defendant claims that Mr. Flores failed to: (1) advise him of his right to appeal; and (2) failed to address or advise him of any post-Booker issues relating to his sentencing guidelines.

The United States has moved this Court to issue an Order which finds that as a matter of law, defendant has waived attorney-client privilege. The Court agrees. By filing the motion claiming ineffective assistance of counsel, defendant has waived his attorney-client privilege with Mr. Flores as to all matters raised in his § 2255 motion.

Good cause appearing therefor, it is hereby ORDERED  
that Felipe Raguinden Domanguera has waived the attorney-client  
privilege as to communications with Brandon Flores.

DATED: November \_\_\_\_\_, 2006, at Honolulu, Hawaii.

UNITED STATES v. FELIPE RAGUINDEN DOMANGUERA

Cv. No. 06-00580 JMS-KSC

Cr. No. 04-00062-02 JMS

"Order Finding Waiver of Attorney-Client Privilege With Respect  
to Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set  
Aside, or Correct Sentence by a Person in Federal Custody"